

Message Text

LIMITED OFFICIAL USE

PAGE 01 OECD P 04372 121749Z

43

ACTION EUR-12

INFO OCT-01 IO-11 ISO-00 EURE-00 FTC-01 JUSE-00 CIEP-01

EB-07 COME-00 TRSE-00 OPIC-03 AID-05 L-03 FRB-03

OMB-01 ITC-01 SP-02 AGR-05 CIAE-00 INR-07 LAB-04

NSAE-00 OIC-02 SIL-01 STR-04 CEA-01 /075 W

----- 053685

P R 121743Z FEB 76

FM USMISSION OECD PARIS

TO SECSTATE WASH DC PRIORITY 0598

INFO USMISSION GENEVA

LIMITED OFFICIAL USE OECD PARIS 04372

PASS JUSTICE FOR KAUPER, FTC FOR LEWIS, CIEP FOR
GRANVILLE

E.O.11652: N/A

TAGS: UNCTAD, ETRD, OECD

SUBJECT: UNCTAD AD HOC GROUP OF EXPERTS ON RESTRICTIVE
BUSINESS PRACTICES

1. ON FEBRUARY 11 DELEGATES OF GROUP B COUNTRIES MET AT
OECD TO DISCUSS STRATEGY FOR UNCTAD MEETING ON RBP
ISSUES. NETHERLANDS DELEGATE HAD NOT YET ARRIVED IN
PARIS AND DID NOT ATTEND. UNCTAD SECRETARIAT PAPER
TD/B/C2/AC5/5 DATED 27 JANUARY 1976, WHICH IS LIKELY
TO BE GROUP 77 APPROACH RE: PRINCIPLES ON RBP'S, WAS
DISTRIBUTED AT MEETING. COPY OF SECRETARIAT PAPER BEING
HAND-CARRIED TO WASHINGTON FEB 13 BY BOB VASTINE,
TREASURY. SECRETARIAT PAPER STRESSES NEED FOR: NON-
RECIPROCAL NATURE OF TREATMENT BETWEEN DEVELOPED AND
DEVELOPING COUNTRIES; BROADNESS OF PRINCIPLES "TO TAKE
INTO ACCOUNT THE DIVERSITY OF NATIONAL AIMS AND OBJEC-
TIVES" IN FORMULATION OF RULES; DESIRABILITY OF MANDA-
TORY AS OPPOSED TO NON-MANDATORY PROVISIONS; AND ESTAB-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OECD P 04372 121749Z

LISHMENT OF REMEDIAL MEASURES AND PROCEDURES TO ENFORCE

THE PRINCIPLES TO BE AGREED UPON.

2. GROUP B COUNTRIES AGREED TO REQUEST PLENARY SESSION AT START OF MEETING TO COVER THE REMAINING DISCUSSION ON THE LIST OF IDENTIFIED PRACTICES, ITEM 1 ON THE GROUP'S AGENDA. PRIOR TO BREAKING INTO WORKING PARTIES, FURTHER DISCUSSION SHOULD BE HELD IN PLENARY SESSION TO OUTLINE FRAMEWORK FOR ANY WORKING PARTY DISCUSSIONS ON REMAINING TOPICS, PARTICULARLY PRINCIPLES. NO MORE THAN TWO WORKING PARTIES SHOULD BE PERMITTED AT ANY ONE TIME.

3. REGARDING PRINCIPLES, ALL GROUP B MEMBERS AGREED THAT NO MANDATORY PRINCIPLES COULD BE DRAFTED. USDEL OUTLINED U.S. POSITION AS PER INSTRUCTIONS. JAPANESE DELEGATION INDICATED UNWILLINGNESS TO DISCUSS PRINCIPLES IN ANY FORM AND PROPOSED CONCENTRATION ON CLEAR STATEMENT OF POSITION AGAINST GUIDELINES OR RULES. OECD SECRETARIAT REPRESENTATIVE GILMER STATED CURRENT STATUS OF OECD GUIDELINES FOR MNC'S ON RBP'S AND STRONGLY URGED NO AGREEMENT ON PRINCIPLES UNTIL AFTER OECD FINAL ACTION AT MINISTERIAL LEVEL ON RBP GUIDELINES IN JUNE. OTHER DELEGATIONS GENERALLY INDICATED ACQUIESCENCE TO U.S. POSITION.

4. REGARDING MODEL LAW, THERE WAS UNCERTAINTY AS TO WHETHER GROUP OF 77 WAS STILL INTERESTED IN DISCUSSING THE TOPIC. GERMAN DELEGATE PROPOSED LINKING MODEL LAW TO PRINCIPLES AT THE WORKING PARTY LEVEL. CANADIAN DELEGATE EXPRESSED DIFFICULTY IN ACCEPTING NATIONAL TREATMENT AS A PORTION OF A MODEL LAW, BUT AGREED THAT FAIRNESS AND IMPARTIALITY SHOULD BE INCLUDED. USDEL OUTLINED U.S. POSITION PER INSTRUCTIONS. GROUP GENERALLY FELT THAT MODEL LAW DISCUSSION SHOULD PRECEDE DISCUSSION OF PRINCIPLES.

5. REGARDING EXCHANGE OF INFORMATION, USDEL OUTLINED U.S. POSITION PER INSTRUCTIONS. GROUP GENERALLY AGREED WITH THIS POSITION. U.K. DELEGATE GRIBBIN STATED FIRM U.K. POSITION AGAINST ANY FORM OF CONCILIATION PROCEDURE. THERE WAS GENERAL FEELING THAT CONSULTATION AND CONCILIATION LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OECD P 04372 121749Z

TION AS PROPOSED BY UNCTAD SECRETARIAT AND GROUP 77 WENT BEYOND THE MANDATE OF THE GROUP OF EXPERTS.

6. GENERALLY, GROUP B DELEGATES TENDED TO BE PESSIMISTIC ABOUT PROSPECTS FOR ARRIVING AT REASONABLE CONSENSUS WITH GROUP 77 IN THE COMING EXERCISE, PARTICULARLY IN VIEW OF UNCTAD SECRETARIAT PAPER OF 27 JANUARY. THERE WAS CONSENSUS AMONG GROUP B DELEGATES

THAT EFFORTS TO EXPAND DISCUSSIONS BEYOND THE SCOPE OF
THE MANDATE OF THE GROUP OF EXPERTS SHOULD BE RESISTED
AND THAT FIRM POSITIONS AGAINST ANY FORM OF BINDING OR
NON-RECIPROCAL UNDERSTANDINGS SHOULD BE TAKEN.
TURNER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETING AGENDA, TRADE DISCRIMINATION
Control Number: n/a
Copy: SINGLE
Draft Date: 12 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976OECDP04372
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760054-0016
From: OECD PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760255/aaaabwdo.tel
Line Count: 120
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2004 by greeneet>; APPROVED <19 APR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNCTAD AD HOC GROUP OF EXPERTS ON RESTRICTIVE BUSINESS PRACTICES
TAGS: ETRD, OCON, UNCTAD, OECD
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006